

Amendment No. 3 to HB1039

Clemmons

Signature of Sponsor

AMEND Senate Bill No. 1402

House Bill No. 1039*

by adding the following as appropriately designated sections immediately before the effective date section and redesignating the effective date section:

SECTION _____. Tennessee Code Annotated, Section 50-7-301(b), is amended by designating the existing language as subdivision (1) and adding the following as subdivision (2):

(2) The administrator shall annually increase the weekly benefit amounts listed in COLUMN B of the benefit table in this subsection (b) to reflect inflation, as measured by the United States bureau of labor statistics consumer price index or, if that index ceases to exist, another index adopted by rule by the administrator.

SECTION _____. Tennessee Code Annotated, Section 50-7-303(d)(2), is amended by deleting the subdivision and substituting the following:

(2) Upon written request by a person submitted to the administrator within ninety (90) days from the date of determination of the overpayment, the administrator shall, in the interest of equity, waive repayment of the overpaid amounts if the person proves to the satisfaction of the administrator that:

(A) The overpayment was not due to fraud, misrepresentation, or willful nondisclosure on the part of the person; and

(B) The overpayment was received without fault on the part of the person.

SECTION _____. Tennessee Code Annotated, Section 50-7-304(b)(1)(A), is amended by deleting the first sentence and substituting the following:

A representative designated by the commissioner, and referred to as the "agency representative", shall examine the claim within fourteen (14) days of receipt by the department and, on the basis of facts found by the agency representative, shall promptly determine whether or not the claim is valid monetarily and, if valid, the week with respect to which benefits shall commence, the weekly benefit amount payable, and the maximum duration of the benefit.

SECTION _____. Tennessee Code Annotated, Section 50-7-304(b)(1)(B), is amended by deleting the first sentence and substituting the following:

Further, the agency representative shall then promptly review the claim deemed valid monetarily and render a determination on the nonmonetary issues presented, except that in a case in which the payment or denial of benefits will be determined by § 50-7-303(a)(4), the agency representative shall immediately transmit the agency representative's full findings of fact with respect to § 50-7-303(a)(4) to the commissioner, who, on the basis of the evidence submitted and additional evidence that the commissioner may require, shall affirm, modify, or set aside the findings of fact and transmit to the agency representative a decision upon the issues involved under § 50-7-303(a)(4), which is deemed to be the nonmonetary determination of the agency representative.

SECTION _____. Tennessee Code Annotated, Section 50-7-304(b)(1)(B), is amended by deleting the third sentence and substituting the following:

The agency representative shall give written notice to the claimant and all other interested parties of the nonmonetary determination and the factual and legal reasons for the determination within three (3) business days of the determination being made by an agency representative or unemployment hearing officer.

SECTION _____. Tennessee Code Annotated, Section 50-7-304(b)(2)(A), is amended by deleting the first sentence and substituting the following:

Benefits must be paid within three (3) business days in accordance with the agency decision or a decision of the appeal tribunal, the commissioner's designee, or a reviewing court.

SECTION _____. Tennessee Code Annotated, Section 50-7-402, is amended by adding the following as a new subsection:

(c) Notwithstanding this part, the administrator shall annually increase premiums paid by employers pursuant to this part in relation to increases made to weekly benefit amounts pursuant to § 50-7-301(b)(2) in order to maintain the solvency of the unemployment compensation fund.